

BOARD OF CODE STANDARDS AND APPEAL MINUTES

September 14, 2009

Members: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, John Youle

Present: Banuelos, Crotts, Hartwell, Hentzen, Murabito, Willenberg

Staff Members Present: Kurt Schroeder, Deb Legge, Penny Bohannon, Elaine Hammons (Central Inspection); Jeff VanZandt (Law Department)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Hentzen on Monday, September 14, 2009, at 1:33 p.m. in the City Council Chambers, 1st floor, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the August 3, 2009, minutes.

Board Member Willenberg made a motion to approve the August 3, 2009, minutes as submitted. Board Member Murabito seconded the motion. The motion carried.

Chairman Hentzen requested that the Board Members and City staff introduce themselves to the citizens in attendance.

Approval of the September 2009 license examination applications as follows:

<u>Name</u>	<u>Class</u>	<u>Date</u>
Joe L. Warne	Class D	September 2009
Loal Wilson	Class D	September 2009
David E. Burton	Siding	September 2009
Edward R. Agosta	Siding	September 2009
Manual Mendoza	Swimming Pool	September 2009

Board Member Murabito made a motion to approve the license examination applications for testing. Board Member Willenberg seconded the motion. The motion passed.

Request by Mui Nguyen, the qualified person for Roof Mechanics, Inc., Class B Contractor, to obtain a second Class B Contractor's license to do business as RMI.

Board Member Hartwell made a motion to approve the request by Mr. Nguyen to obtain a second contractor's license. Board Member Banuelos seconded the motion. The motion was approved.

Request by Ernesto Garcia, the qualified person for Superior Professional Roofing, Class B Contractor, to obtain a second Class B Contractor's license to do business as Modern Storm Solutions. (Off-agenda item)

Board Member Hartwell made a motion to approve the request by Mr. Garcia to obtain a second contractor's license. Board Member Banuelos seconded the motion. The motion carried.

Condemnation Hearings

Review Cases:

1. 543 N. Grove

Robert Talbert and Rosie Deur attended the hearing as representatives for this property.

Vacant for at least ten months, this one-story frame dwelling is approximately 24 x 52 feet in size. This structure has shifting and cracking concrete block basement walls, with missing blocks; rotted wood siding; badly worn composition roof, with missing shingles; deteriorated front porch; rotted wood trim and framing members; and the accessory garage is deteriorated.

This property was before the Board for the first time at the February 2, 2009, hearing. Mr. Talbert was present at that hearing, again at the May 4, 2009, hearing, and at the July 13, 2009, hearing. At the July hearing, a motion was approved by the Board to allow thirty days for the correction of the code violations while maintaining the property in a clean and secure condition in the interim. Two building permits have been issued for the property, and at the site visit by Central Inspection staff on August 25th, some repairs were made; however, several violations needed to be corrected. The structure was secure. The 2007 and 2008 taxes are delinquent in the amount of \$833.22, including interest, as of September 1, 2009. A large pile of bulky waste was on the premises.

Addressing the Board, Mr. Talbert said the rear of the roof and the foundation work has been completed. The walls have been stabilized. Due to other financial obligations, Mr. Talbert said he was unable to pay the taxes on this property, resulting in the delinquency. Approximately a week prior, some dirt was hauled in, but the wet weather had prevented him from spreading it over the site.

Board Member Murabito made a motion to allow thirty days to remove the debris from the site, pay the delinquent taxes, and complete the repairs on the violations. If the conditions are met within the thirty days, the property will revert to regular code enforcement. If the conditions are not met, Mr. Talbert will reappear before the Board to provide an update on the property. The Board approved the motion.

2. 1348 N. Green

There was no representative present on behalf of this property.

Mr. Edmond Brown, former owner of the property, provided a Transfer of Deed showing that the property was sold to Arthur L. Baker.

Board Member Banuelos made a motion to defer action on the property until the October hearing in order to allow the new owner to address the Board. Board Member Hartwell seconded the motion. The motion passed.

3. 936 N. Holyoke

There was no representative present on behalf of this property.

Mr. Edmond Brown, former owner of the property, provided a Transfer of Deed showing that the property was sold to Arthur L. Baker.

Board Member Banuelos made a motion to defer action on the property until the October hearing in order to allow the new owner to address the Board. Board Member Hartwell seconded the motion. The motion passed.

New Cases

1. 2511 E. 9th N.

No representative attended the hearing.

Approximately 33 x 48 feet in size, this one-story frame dwelling is vacant and open. This structure has cracking and shifting concrete block basement walls; missing vinyl siding; badly worn composition roof, with missing shingles; deteriorating front, rear and two side porches; and the wood trim and framing members are rotted.

An active file was started on this property in January of 2008; a Notice of Improvements was issued, as well as several violation notices, since that time. A Pre-condemnation Letter was issued on May 28, 2009. The 2007 and 2008 taxes are delinquent in the amount of \$975.65, including specials and interest. There is a 2008 Special Assessment for weed mowing in the amount of \$119.30, and a pending Special Assessment for weed mowing in the amount of \$120.24.

Board Member Murabito made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin wrecking the structure and ten days to complete the demolition. Board Member Hartwell seconded the motion. The motion carried.

2. 1956 N. Spruce

There was no one present to represent this property.

This one-story frame dwelling, about 38 x 38 feet in size, has been vacant for at least three years. This structure has cracking and shifting concrete basement walls; loose and buckled metal siding; deteriorating front and rear porches; and the 20 x 24 and 8 x 8 foot accessory structures are dilapidated.

On April 19, 2006, an active case was started on this property. Two Notices of Improvements and numerous Notices of Violation have been issued. In June of 2006, the executor of the property notified Central Inspection staff that the owner was deceased. A Pre-condemnation Letter was issued on March 6, 2009. The 2004, 2005, 2006, 2007, and 2008 taxes are delinquent in the amount of \$5,087.19.

Board Member Hartwell made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to initiate razing the structure, and ten days to complete wrecking. Board Member Willenberg seconded the motion. The motion was unanimously approved.

3. 2110 E. 13th N.

There was no representative for this property in attendance.

A two-story frame dwelling about 24 x 38 feet in size, this structure has been vacant for at least two years. This structure has shifting and cracking concrete block basement walls; cracked and missing asbestos siding; deteriorating front porch; and the wood trim and framing members are weathered due to lack of paint.

The active file was started on this property on August 29, 2007. OCI staff completed an emergency board on the property on January 10, 2009, at a cost of \$494.74. A Pre-condemnation Letter was issued on December 10, 2008. The 2006, 2007, and 2008 taxes are delinquent in the amount of \$635.89, including interest. There is a 2009 Special Assessment for weed cutting, board up, and lot clean up in the amount of \$1,262.62. There are tall grass and weeds on the premises; no repairs have been made; the structure is secure.

Board Member Murabito made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to start removal and ten days to complete the wrecking. Board Member Willenberg seconded the motion. The motion carried.

4. 1908 N. Grove

Elijah Smith and Devett Smith, Jr., were present as representatives of this property.

This is a one-story frame dwelling about 32 x 24 feet in size, and it has been vacant for at least one year. This structure has a cracking concrete foundation; cracked and chipped asbestos siding, with missing shingles; sagging and badly worn composition roof, with missing shingles; deteriorating front and rear porches; wood trim and framing members are weathered; and the 21 x 12 foot accessory structure is dilapidated.

The active file was initiated on this property on February 21, 2008. Since that time, a Notice of Improvement and several violation notices have been issued. In August of 2008, a neglected building plan was submitted to Central Inspection, stating the intent was to sell or repair the building by February 18, 2009. A Pre-condemnation Letter was issued on July 17, 2008. The taxes are current; there are no assessments against the property. There is trash, and tall grass and weeds on the premise. Formal condemnation proceedings were initiated on June 19, 2009. No repairs have been made; the front door was unsecure at the last site inspection by Central Inspection staff.

Mr. Devett Smith, Jr., told the Board that the premises had been cleaned and the grass had been cut. He said that the property had been sold, but discovered that another relative's name was listed on the title, preventing the sale of the property at that time. Since then, Mr. Smith explained, the relative has signed a release on the title and there should be no problem selling the property. The interior has been repaired, and the building is secure. Mr. Smith requested that the Board grant him the maximum time allowed in order to sell the property.

Board Member Willenberg made a motion to allow sixty days for the sale of the property, or it will be submitted to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete demolition. Board Member Murabito seconded the motion.

Mr. Schroeder explained the condemnation process to the Smiths. He added that the sale of the property within the sixty-day period would remove the property from the Council Agenda and return it to the Board, allowing the new owner the opportunity to make the required repairs.

Board Member Crotts made an amended motion to allow sixty days for the substantial progress on the exterior repairs or sale of the property, with an update to the Board from Mr. Smith at the end of the sixty days. Board Member Hartwell seconded the amended motion. The motion carried.

5. 2023 E. Chisholm

There was no representative for this property.

A one-story frame dwelling about 42 x 27 feet in size, this structure has been vacant for at least one year. This structure has a cracking concrete block foundation; missing vinyl siding; badly worn composition roof, with holes and missing shingles; dilapidated front and rear porches; and the wood trim and framing members are rotted and missing.

Board Member Hartwell made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to finish razing the structure. Board Member Willenberg seconded the motion. The motion was approved.

6. 1022 N. Green

No one attended the hearing as a representative for this property.

A one-story frame dwelling approximately 28 x 38 feet in size. Vacant for at least 2 years, this structure has a cracking concrete foundation, with some areas missing; rotted and missing woodlap siding; deteriorated front porch; and the wood trim and framing members are rotted.

The file on this property has been active since March 17, 2004. In February of 2008, Central Inspection staff was notified that the owner was deceased. The owner's son requested that all mailings regarding the property be sent to him.

Board Member Murabito made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin wrecking the building and ten days to finish the removal of the structure. Board Member Willenberg seconded the motion. The motion carried.

7. 614 N. Cleveland

The owner of the property, Ms. Stephanie Hyde, was present at the hearing.

A one-story commercial building about 90 x 45 feet in size, this structure is vacant and open; this structure has rotted and missing siding and the roof has collapsed. The active file on this property was initiated by the building inspection section on May 30, 2008, when a Notice of Violation was issued. A Pre-condemnation Letter was issued on August 8, 2008. The 2006, 2007, and 2008 taxes are delinquent in the amount of \$4,855.20, which includes Special Assessments and interest. There is a 2008 Special Assessment for lot clean-up in the amount of \$1,664.07, including interest. There is bulky waste, an inoperable fifth-wheel, and tall grass and weeds on the premises. There is an active Neglected Building case on the property. Formal condemnation action was initiated on the property June 19, 2009. No repairs have been made to the structure; however the structure is secure.

Ms. Hyde addressed the Board to explain her plans for the property. The taxes, Ms. Hyde stated, had been paid up to 2008. She said she had hired a structural engineer to assess the condition of the collapsed roof and determine what needed to be done in order to repair it. The premise has been cleaned except for the graffiti; Ms. Hyde said she had signed a waiver to allow the City of Wichita to remove the graffiti.

Chairman Hentzen asked Ms. Hyde what her plan for the use of the building. Ms. Hyde replied that she planned to have the building used as an auto body repair shop. Chairman Hentzen reminded her that the Board's concern was the exterior condition of the building. Ms. Hyde told him that the exterior work was complete except for the roof, which would be addressed as soon as she received a response from the structural engineer.

Board Member Banuelos made a motion to allow sixty days for the exterior of the building to be completed, maintaining the property in a clean and secure condition. If the exterior is not complete by the end of the sixty days, Ms. Hyde would be required to reappear before the Board to update the Board on the progress. Board Member Willenberg seconded the motion. The motion was approved.

Chairman Hentzen requested that Ms. Legge verify payment of the taxes on 614 N. Cleveland. Ms. Legge confirmed that Ms. Hyde could have paid the taxes since the information was obtained for the Board meeting on September 1, 2009.

With no other business to conduct, Board Member Hartwell made a motion to adjourn the meeting. Board Member Willenberg seconded the motion. The motion carried.

The meeting adjourned at 2:07 p.m.